

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**IN RE: INSULIN PRICING  
LITIGATION**

**CASE NO. 2:23-MD-03080  
MDL NO. 3080**

**JUDGE BRIAN R. MARTINOTTI  
JUDGE RUKHSANAH L. SINGH**

*Document Electronically Filed*

**THIS DOCUMENT RELATES TO:**

*County of Albany, New York v. Eli Lilly, et al.*, No. 1:22-cv-00981

*King County v. Eli Lilly et al.*, No. 2:23-cv-21178

*Lake County, Illinois v. Eli Lilly, et al.*, No. 2:23-cv-08487

**NOTICE OF MOTION TO SEAL**

**PLEASE TAKE NOTICE** on October 21, 2024, or a date and time to be set by the Court, Defendants UnitedHealth Group Incorporated; OptumRx, Inc.; Optum, Inc.; and OptumInsight, Inc. (“OptumRx”); Evernorth Health, Inc. (f/k/a Express Scripts Holding Company); Express Scripts, Inc.; Express Scripts Administrators, LLC; ESI Mail Pharmacy Service, Inc.; Express Scripts Pharmacy, Inc.; Medco Health Solutions, Inc., and The Cigna Group (“ESI”); and CVS Health Corporation; CVS Pharmacy, Inc.; Caremark Rx, L.L.C.; CaremarkPCS Health, L.L.C.; and Caremark, L.L.C. (“CVS”) (together, “PBM Defendants”),<sup>1</sup> by and through their

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<sup>1</sup> For purposes of this motion, we refer collectively to all CVS, ESI, and OptumRx affiliates and parent corporations that are named in the Counties’ complaints as the “PBM Defendants,” even though certain of those entities are not PBMs.

undersigned attorneys, shall move before the Hon. Rukhsanah L. Singh, U.S.M.J., of the United States District Court for the District of New Jersey, for the entry of an order, pursuant to Local Civil Rules 5.3(c) and 7.1, sealing confidential material in the following documents that have been provisionally filed under seal:

- PBM Defendants' Memorandum in Support of Motion to Dismiss the Self-Funded Payor Track Complaints (Albany, King, and Lake Counties), filed August 22, 2024 ("PBM Defendants' Motion to Dismiss") [ECF No. 252];
- Exhibits 1-7 in Support of PBM Defendants' Motion to Dismiss, filed August 22, 2024 [ECF Nos. 253-1; 254-1 through 254-5; and 255-1];
- Self-Funded Payor Plaintiffs' Response in Opposition to PBM Defendants' Motion to Dismiss, filed August 22, 2024 [ECF No. 257]; and
- PBM Defendants' Reply in Support of PBM Defendants' Motion to Dismiss, filed August 22, 2024 [ECF No. 259].

**PLEASE TAKE FURTHER NOTICE** that, in support of their Motion, the PBM Defendants will rely on the Declaration of Benjamin Hazelwood, Esq. ("Hazelwood Declaration"), and the Index required by Local Civil Rule 5.3(c)(3) in the form suggested by Appendix U.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Civil Rules 5.3(c)(1) and 7.1(d)(4), no legal brief is required and all relevant proposed findings

of fact and conclusions of law have been set forth in the enclosed Proposed Order in accordance with Local Civil Rule 5.3(c)(3).

**PLEASE TAKE FURTHER NOTICE** that PBM Defendants have conferred with Plaintiffs and the Manufacturer Defendants and that no party objects to this motion.

**PLEASE TAKE FURTHER NOTICE** that proposed redacted versions of the materials sought to be sealed are attached to the Hazelwood Declaration as follows: (i) ECF No. 252 is attached as Exhibit 5; (ii) ECF No. 257 is attached as Exhibit 6; and (iv) ECF No. 259 is attached as Exhibit 7.

Dated this 27th day of September, 2024.

/s/ Brian D. Boone

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